

1983 Form

In the United States District Court
For the Northern District of Alabama

2017 JAN 30 P 12:53
U.S. DISTRICT COURT
N.D. OF ALABAMA

Stephen Tolar 266034

CV-17-00-0151-S

(Enter above the full name(s) of the
plaintiff(s) in this action)

Warden Leon Bolling
Warden Angela Miree
Warden Pickens
Officer Joe Binder

(Enter above full name(s) of the
defendant(s) in this action)

If inmate cannot be defendant in
case, please remove. S.T. 266034

Inmate Thurston Baynes
Inmate Antonio Small

Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (X)
- B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiff(s): _____

Defendant(s): _____

2. Court (if Federal Court, name the district; if State Court, name the county)

3. Docket Number _____

4. Name of judge to whom case was assigned _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

II. Place of present confinement Donaldson Correctional Facility

A. Is there a prisoner grievance procedure in this institution?

Yes () No () DONT KNOW

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes () No X

C. If your answer is YES:

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not?

THE GUARDS WONT give me the material, or say they will & don't, or say they're not sure, or say I need to talk to a specific guard, & I'm not able to cause I'm back here in a lock up cell

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) Stephen Michael Tolar 266034

Donaldson Correctional Facility

Address 100 Warrior Lane, Bessemer, AL 35023

In item B. below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

B. Defendant Joe Binder
is employed as officer
at Donaldson Correctional Facility

C. Additional Defendants Warden Leon Bolling, Donaldson C.F.;
Warden Angela Miree, Donaldson C.F.;
Warden Pickens, Donaldson C.F.;
Inmate Thurston Baxnes, Inmate Antonio Small
Donaldson Donaldson

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet, if necessary.

see attached sheets
1 + 2 please.

please make copies for each
defendant as I don't have access to
do so in lock-up. Thank you, GOD Bless.

Donaldson Correctional Facility
rape occurred in N-dorm shower on Dec. 29, 2016
suicide attempt occurred on southside on Dec. 30, 2016
officer Joe Binder slapped hit, hit with door, lied, then sprayed
with mace, then took personal property on January 23, 2017
in X dorm, cell 15,

2 witnesses to incident on January 23, 2017
with officer Joe Binder in X-15.

¹³³⁷⁴⁸
Inmate Tommy Powell from X-16 -

Inmate O.C. Borden Jr. 145176 from X-17.

Dec 30
2016

also, all my personal property has been lost, they can't find it
even if it was found, due to lack of proper procedure being followed
while I was reporting this, my locker box was supposedly broken into
they said my lock had been broke, but packed what was there, & now have no
idea where it is. I was not given a property sheet and telling what
was missing.

V.

RELIEF State briefly ~~exactly~~ what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. ^{\$150.00 replacement cost of personal property that was lost and/or stolen}

Restraining order from officer Joe Binder;

Restraining order from Inmate Thurston Baynes;

Restraining order from Inmate Antonio Small;

Transfer from Donaldson C.F. for Safety;

\$10,000.00 physical damages;

\$15,000.00 mental & psychological damages;

\$10.00 for personal property (Book) ^{officer} Joe Binder took;

Inmate Thurston Baynes on Enemy list & Inmate Antonio Small
"I declare under penalty of perjury that the foregoing is true and correct. ^{on Enemy list.}

Executed on

1-24-17

(date)

Stephen Tolar

Signature(s)

Statement of claim
attached
2 sheets
P. 1901 + 2

I, Stephen T. Thurston, was approached by an unknown person in Mid-December, 2016. In past years, I had worked with the Selma police dept. in Dallas Co. & gave them information on Thurston about drugs. Thurston is in a high rank gang position & his family are big drug dealers. He recognized me & said, "I remember you, your Steve, I'ma get your Bitch ass, but not in front of these police, but when you least expect it. I know what you did back home snitch." 2 weeks later on Dec 29, 2016 I went to see a friend in N-dorm, we're allowed to go from K-dorm to L+M+N on the southside at Donaldson, they're all open 24hrs a day, & can walk outside to any dorm at all times of day & night, which should be illegal at a maximum security prison. My friend was a sleep & a guy I've spoke to once or twice offered me a cigarette & I accepted, I hadn't had one in hours & needed it. I smoked & halfway through, I just locked up, collapsed, & began vomiting. everything spinning, could not move, could barely whisper help, couldn't do anything, defenseless, & then Thurston walks up with the guy who gave me the cigarette - Antonio - & say, "we got you now white boy, we gone show you what we do to snitches around here" & the other said, "I got a better idea, let's fuck him & take his manhood, it'll be worse than killing him & me & my fam back home know where his wife & kids stay, if he tells I can pay some homies to go & handle 'em & then we can handle Steve too. I know he was dead serious, but they picked my body up & carried me to the shower, acting like they were trying to sober me up, like I had smoked some "spice" or synthetic marijuana & fellow, but I don't know what they had given me, but I was helpless & they raped me. & then put my clothes back on & walked/carried me to my rack in K dorm & layed me down & threw a wet rag over my face & said, "remember, we're watching, if you tell, your wife & kids are dead & you're next." The next evening I cut my wrists trying to commit suicide. I went to crisis cell, then to A dorm. I was approached by an unknown gang member, said I owed protection money, & I better not have told on Thurston. they tried to extort me for money, & I don't have money, after few days of this I finally told LT. Johnson over P.R.E.A. what happened & I'm in lockup cell for my protection, since being in this cell I was approached by an officer Joe Binder & during a routine shakedown I was slapped repeatedly in the head & harassed. I showed no sign of aggression or threat. I complied with everything he said, my hands were on the wall & feet were spread when I was being unnecessarily slapped & hit. Officer Joe Binder used extreme unnecessary force & harassment, took personal property that belonged to me that was bought by my family before they passed away, & then afterwards, I tried to get their attention to get me another mattress cause mine was taken during the shakedown & a squad of officers came & sprayed under the door, then lodged my blanket under the door to keep the fumes in so no air could circulate. & then few minutes later, after they yelled to get on my stomach & I did comply, I was on my stomach, with legs crossed & hands behind my head, for a few minutes, they opened the door, got my attention & sneakily sprayed me in the face while I'm in the surrender position on stomach. now after all this, after I'm handcuffed smoothly, without incident or problem, we're walking to get my body chart & officer Joe Binder slings the BIG IRON DOOR at me & hits me with it. out of spite I guess, while I'm handcuffed & covered in mace. for no reason. As of now, I've

been back sitting in my cell with no mattress & only a jumpsuit, no under clothes, cause they took them when I got sprayed & want replace them, for 5 hours — got matt at 5 p.m. I have no under clothes & was wearing the same ones for 2 weeks as of today cause I have none to change into & can't get any. I have no laundry bag to send out the ones I did have to get washed. I'd have to wash them in toilet if at all. No one cares, now I have none, no shirt, no boxers, only a jumpsuit, — next day, still no clothes —

#1) In Dorm on southside there is no security, the officers are never in the cube, there always in the guard shack which is the length of an NB basketball court away from the dorms & only walk through at count times & is open 24/7 — 3 dorms, you can walk out side to any dorm on southside at any time of the night, & no one says anything they don't even have locks on the doors to lock them. & no police presence is ever there.

#2) The warden doesn't have control over his guards or doesn't care, & they have anger issues & take them out on us inmates. That's wrong. Alabama has a hands off policy, & the security is lacking here in so many ways. There is less security here than at a level IV prison & this is a level II security prison, also inmates safety is not considered here by anyone, staff, wardens, I can't even get a free world enemy verified, all it takes is a phone call, no one cares.

#3) officer Joe Binder stated when I told him I would file a 1983 civil suit against him he said, "I don't know anything, you struck yourself," an officer speaks was present & my 2 witnesses. I was shocked when all this happened. officer J. Binder slapped my pineapples from my hand at meal time in cell & asked what I was smiling at. this started all of these incidents, the shake down, the excessive force & violence. I'm a born again christian, a man of faith, & this has caused me to lose respect for the goodness in people & for law enforcement, as I was being respectful & courteous

#4) None of this would have happened had the warden had the security at his institution proper, had the safety of his inmates in mind. & also Alabama Dept. of corrections & all staff here had verified a known enemy from my home town & didn't, & they now say they are unable to verify him as an enemy, cause they can't figure out if he's from Selma or not. Either way, him & another inmate raped me, verification should be justified.

#5) Dallas CO jail, courthouse, high school & sheriff's office is all in Selma, AL, That's what our paperwork says. It should be easy to verify

#6) when they plugged the bottom of the door after spraying riot mace in cell to prevent circulation, it could have damaged my lungs as I have asthma.

#7) I also see a psychiatrist for depression & anxiety/panic attacks & take medicine.